

*Approved  
EF*

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/730,343	FURTH ET AL.	
	Examiner Jason M. Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 8 March 2005.
2.  The allowed claim(s) is/are 1,4-12,16-24,27-34 and 42.
3.  The drawings filed on 21 March 2005 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>3/8/2005</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                               | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### *Response to Arguments*

Applicant has amended the claims as suggested by the Examiner in the previous Office Action. All rejections and objections have been overcome, and thus, withdrawn.

### *Allowable Subject Matter*

Claims 1, 4-12, 16-24, 27-34, and 42 are allowed.

1. The following is an examiner's statement of reasons for allowance:
2. With regards to Independent Claim 1, applicant has narrowly defined a flashlight incorporating a novel electro-mechanical structure in connection with a battery compartment, wherein a switch prevents closing of an electrical circuit when at least two batteries of different sizes are installed. The prior art fails to teach or suggest the combination of structural elements disclosed and claimed herein, and all subsequent dependent claims are allowed.
3. With regards to Independent Claim 18, applicant has narrowly defined a flashlight incorporating a novel electro-mechanical structure in connection with a battery compartment, wherein a switch prevents closing of an electrical circuit when at least two batteries of different sizes are installed. The prior art fails to teach or suggest the combination of structural elements disclosed and claimed herein, and all subsequent dependent claims are allowed.
4. With regards to Independent Claim 23, applicant has narrowly defined a flashlight incorporating a novel electro-mechanical structure in connection with a battery compartment, wherein a switch prevents closing of an electrical circuit

when at least two batteries of different sizes are installed. The prior art fails to teach or suggest the combination of structural elements disclosed and claimed herein, and all subsequent dependent claims are allowed.

5. With regards to Independent Claim 28, applicant has narrowly defined a flashlight incorporating a novel electro-mechanical structure in connection with a battery compartment, wherein said structure prevents closing of an electrical circuit when at least two batteries of different sizes are installed and coupled to a battery contact that is mounted on a moveable insulator receptacle. The prior art fails to teach or suggest the combination of structural elements disclosed and claimed herein, and all subsequent dependent claims are allowed.

6. With regards to Independent Claim 30, applicant has narrowly defined a flashlight incorporating a novel electro-mechanical structure in connection with a battery compartment, wherein said structure prevents closing of an electrical circuit via two conductive leaf springs in respective contact with at least two batteries of different sizes. The prior art fails to teach or suggest the combination of structural elements disclosed and claimed herein, and all subsequent dependent claims are allowed.

7. With regards to Independent Claim 34, applicant has narrowly defined a flashlight incorporating a novel electro-mechanical structure in connection with a battery compartment, wherein said structure prevents closing of an electrical circuit via two conductive leaf springs in respective contact with at least two batteries of different sizes. The prior art fails to teach or suggest the combination of structural elements disclosed and claimed herein.

8. With regards to Independent Claim 42, applicant has narrowly defined a flashlight incorporating a novel electro-mechanical structure in connection with a battery compartment, wherein said structure prevents closing of an electrical circuit via two conductive leaf springs in respective contact with at least two batteries of different sizes. The prior art fails to teach or suggest the combination of structural elements disclosed and claimed herein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (4/21/2005)



Stephen Husar  
Primary Examiner